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September 28, 1999

Ambassador Harry Barnes
The Carter Center
Conflict Resolution Program
453 Freedom Parkway
Atlanta, Georgia 30307

Dear Ambassador Barnes:

On September 21, 1999, you testified before the Committee on Government Reform regarding President Clinton's decision to grant clemency to 16 members of the FALN. I wanted to thank you for participating in the hearing, and also to follow up on several issues raised by your testimony.

In your testimony, you stated that:

In February 1997, President Carter wrote to Attorney General Reno urging that she recommend to President Clinton commutation of sentences for this group. He pointed out the similarities between these cases and those of four Puerto Rican nationalists whose sentences he commuted in 1979. In both instances, the sentences were much longer than those applied for comparable crimes or worse. . . . I draw several conclusions: 1) that those convicted had served much longer prison terms than usual for their crimes[.]

Because I had heard this claim a number of times previously, I asked you to provide the Committee with substantiation for your statement. On September 23, majority staff followed up with you, to ensure that you were attempting to locate the substantiation for your claim. However, on September 24, you called minority staff to tell them that you did not have any support for your claim that the members of the FALN had received disproportionate prison terms.

The claims by the Carter Center and other groups that the FALN members received sentences that were too harsh seem to be based upon the premise that the FALN terrorists were nonviolent. As the Committee's hearing has shown, the 16 individuals granted clemency by President Clinton were violent criminals. Rather than being

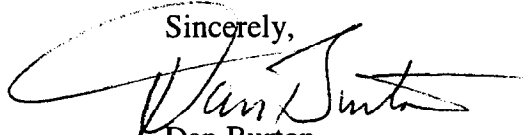
punished for their political beliefs or their mere association with the FALN, they were convicted of violent crimes. The seditious conspiracy convictions against eleven of the FALN members included convictions for the construction and planting of bombs at 28 different locations in Illinois over a four-year period. Three other FALN members were also convicted of planning bombings of a Marine Training Center and an Army Reserve Center. The two Macheteros members, Antonio Camacho-Negron and Juan Enrique Segarra-Palmer, were convicted for armed robbery of over \$7 million. Segarra-Palmer was also found by a federal court to have organized and participated in an attack against a bus full of U.S. sailors that left two dead and nine wounded. *See United States v. Melendez-Carrion*, 820 F.2d 56 (2d. Cir. 1987). In addition, FALN member Oscar Lopez planned to escape from prison by using powerful explosives, riddling the guard towers with fire from automatic weapons, and then throwing grenades into the path of anyone that pursued him. Lopez even advocated the murder of an arms dealer while incarcerated at Leavenworth Penitentiary.

As the Committee evaluates President Clinton's decision to grant clemency to the 16 FALN prisoners, it has attempted to evaluate whether the prison terms received by the FALN members were disproportionately long. It appears that other sentences for seditious conspiracy, like those given to the Puerto Rican terrorists who attacked Congress and Blair House, or the World Trade Center bombers, are roughly similar to the sentences given to the FALN terrorists. However, I had hoped to receive information from you or the Carter Center which supported your assertions to the contrary. Because you were invited to the hearing by Mr. Waxman, we were hoping that you would be able to offer expert testimony supported by facts, not merely a recapitulation of media reports.

I also find it troubling that President Carter wrote to Attorney General Reno in support of clemency, claiming that the sentences received by the FALN members were "much longer than those applied for comparable crimes or worse." Given your admission to minority staff that you had no support for your own assertions to this effect, I assume that President Carter also did not have any support for his assertions to Attorney General Reno. I would hope that your organization would have conducted minimal background research before allowing President Carter to use his substantial prestige on behalf of the FALN terrorists.

If you are able to locate any factual support for your claims regarding the sentences of the FALN prisoners who were granted clemency by President Clinton, please provide it to the Committee.

Sincerely,



Dan Burton
Chairman

cc: President Jimmy Carter
The Honorable Henry A. Waxman, Ranking Minority Member